

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 and 12-18 are currently pending. Claims 11 and 19 have been canceled without prejudice; and Claims 1, 9, 10, 12, 17, and 18 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 5, 8-12, and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,378,887 to Kobayashi (hereinafter “the ‘887 patent”); Claims 2, 3, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘887 patent in view of U.S. Patent Application Publication No. 2002/0188852 to Masaki et al. (hereinafter “the ‘852 application”); and Claims 6, 7, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘887 patent in view of U.S. Patent No. 6,351,845 to Hinker et al. (hereinafter “the ‘845 patent”).

Amended Claim 1 is directed to an information processing apparatus having embedded therein a separate information recording medium, the information processing apparatus comprising: (1) communicating means for communicating data with the information recording medium, the information recording medium including a memory, a control unit, and an antenna that are independent of the communicating means of the information processing apparatus; (2) detecting means for detecting any access to the information recording medium; (3) determining means for determining whether a result of detection by the detecting means indicates internal access by the communicating means of the information processing apparatus or external access from the external apparatus external to the information processing apparatus; and (4) access controlling means for controlling the external access from the external apparatus when the determining means determines that the

result of detection by the detecting means indicates the external access from the external apparatus. Claim 1 has been amended to further clarify that the information processing apparatus and the information recording medium are separate units. No new matter has been added.¹

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the '887 patent discloses everything in Claim 1, but fails to disclose that the information recording medium includes a memory, a control unit, and an antenna as one unit, but asserts that it would have been obvious to one of ordinary skill in the art to further include each of these elements as one unit.

The '887 patent is directed to a non-contact type IC card that communicates signals with an external device in a non-contact manner, including a main circuit 16 that conducts various operations based on functions of the IC card, means for creating an operation inhibit signal to inhibit operation of the main circuit for a predetermined period of time, and control means for controlling the main circuit and the operation inhibition signal generating means. Further, the '887 patent discloses that the main circuit 16 is inhibited for a predetermined period of time after the operation of the main circuit is completed to prevent a double write operation of history in the IC card due to re-access in a short period of time following an initial access. As shown in Figure 5, the '887 patent discloses an IC card having a memory 32 having two memory areas 321 and 322, a memory control section 36, a read area deciding section 34, and a modulating and de-modulating section 38. The '887 patent discloses that the read area deciding section 34 determines from which one of the two areas 321 and 322 of the memory data is to be read.² Further, the '887 patent discloses that the memory control section 36 controls writing to and reading from the memory 32, wherein the memory control section writes to or reads from either area 321 or area 322 based on information provided by

¹ See, e.g., Figure 2 and the discussion related thereto in the specification.

² '887 patent, column 7, lines 62-65.

the read area deciding section 34. Thus, the purpose of the '887 non-contact IC card shown in Figure 5 is to prevent erroneous history information from being written into the memory 32 when a user of the card enters an area accessible to a reader/writer two or more times in quick succession.

However, Applicant respectfully submits that the '887 patent fails to disclose an information processing apparatus having embedded therein a separate information recording medium that includes a memory, a control unit, and an antenna that are independent of the communicating means of the information processing apparatus, as recited in amended Claim 1. In the non-limiting example shown in Figure 2, the invention of Claim 1 is directed to an information recording medium 2 that is embedded in an information processing apparatus 1. Further, in a non-limiting example, the information recording medium includes a control unit, a memory, and an antenna, which are separate from the elements of the information processing apparatus in which the information regarding medium is embedded. In particular, as recited in Claim 1, the claimed elements of the information processing apparatus are a communicating means, a detecting means, a determining means, and an access control means. Thus, as claimed, the memory, control unit, and the antenna of the information recording medium are separate from the communicating means, detecting means, determining means, and access control means of the information processing apparatus, in which the information recording medium is embedded.

Thus, Applicant notes that Claim 1 recites an information processing apparatus having embedded therein a separate information recording medium, wherein, in a non-limiting example, the information recording medium is a non-contact type IC card. In contrast, in the outstanding Office Action, it appears that the Office Action attempts to read the non-contact IC card 30 shown in Figure 5 of the '887 patent and the memory 32 onto the claimed information processing apparatus and the information recording medium, respectively. In

this regard, Applicant notes that page 3 of the outstanding Office Action asserts that element 32 shows the information recording medium recited in Claim 1. However, Applicant notes that the Office Action then states that the communicating means, which is an element of the information processing apparatus recited in Claim 1, is read on by elements 32, 34, and 36 shown in Figure 5 of the '887 patent. Thus, the Office Action is using element 32 as both the claimed information recording medium and the claimed communicating means. However, amended Claim 1 makes clear that the information recording medium is independent of the communication means of the information processing apparatus.

Further, pages 5 and 6 of the outstanding Office Action conclude that it would have been obvious to combine elements 32, 36, 38, and 40 as one unit to read on the claimed information recording medium. However, given this conclusion, it is unclear to Applicant which elements shown in Figure 5 of the '887 patent read on the claimed information processing apparatus in which the information recording medium is embedded. If essentially all of the elements (elements 32, 36, 38, and 40) of the non-contact IC card shown in Figure 5 of the '887 patent read on the claimed information recording medium, how can those same elements, read on the information processing apparatus that includes a communicating means for communicating data with the information recording medium, detecting means for detecting any access to the information recording medium, determining means for determining a result of the detection, and access controlling means for controlling the external access, as recited in Claim 1. In essence, it appears that the Office Action is relying on the IC card 30 to read on both the information processing apparatus and the information recording medium recited in Claim 1. However, Applicant respectfully submits that the non-contact IC card 30 shown in Figure 5 of the '887 patent cannot be both the information processing apparatus and the information recording medium recited in Claim 1.

Further, Applicant notes that Claim 1 recites an information processing apparatus that includes determining means for determining whether a result of detection by the detecting means indicates internal access by the communication means of the information processing apparatus or external access from an external apparatus external to the information processing apparatus. Thus, the claimed internal access is detected by an element of the information processing apparatus (the communicating means), not by the information recording medium.

For the reasons stated above, Applicant respectfully submits that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 1.

Independent Claims 9, 10, 12, 17, and 18 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 9, 10, 12, 17, and 18 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 9, 10, 12, 17, and 18 are rendered moot by the present amendment to those claims.

Regarding the rejection of dependent Claims 2, 3, 6, 7, 13, 14, and 15, under 35 U.S.C. § 103, Applicant respectfully submits that the '852 application and the '845 patent fail to remedy the deficiencies of the '887 patent, as discussed above. Accordingly, Applicant respectfully submits that rejections of dependent Claims 2, 3, 6, 7, and 13-15 are rendered moot by the present amendment to the independent claims.

In particular, Applicant notes that the recording means recited in Claim 2 refers to recording means of the information processing apparatus, not the information recording medium. Thus, in a non-limiting example, Applicant notes that the claimed information processing apparatus, not the information recording medium, records the history of access to the information recording medium. Applicant respectfully submits that this limitation is not

disclosed by the '852 application. The '852 application merely discloses the writing of history information to a non-contact IC card.

Accordingly, for the reasons stated above, Applicant respectfully submits that Claims 2 and 3 patentably define over any proper combination of the '887 patent, the '852 application and the '452 patent.

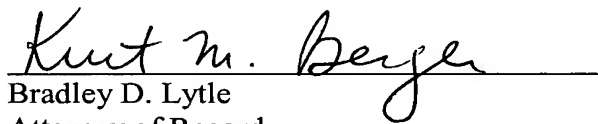
Applicant respectfully submits that the rejection of Claims 11 and 19 are rendered moot by the present cancellation of those claims.

Thus, it is respectfully submitted that independent Claims 1, 9, 10, 12, 17, and 18 (and all associated dependent claims) patentably define over any proper combination of the '887 patent, the '852 application, and the '845 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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